



**JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**REFERENCES:**

**505 KAR 1:170  
4-JCF-3D-05, 09, 10  
4-JCF-3D-04, 08, 09  
3-JTS-3D-06-4, 06-9, 06-10  
3-JCRF-3D-04-4, 04-9, 04-10  
1-JBC-3D-06-3, 06-8, 06-9**

**CHAPTER: Prison Rape Elimination Act of  
2003 (PREA)**

**AUTHORITY: KRS 15A.065; 28  
CFR 115; 28 CFR 115.351; 28  
CFR 115.361; 28 CFR 115.367**

**SUBJECT: Reporting and Investigating  
PREA Violations**

**POLICY NUMBER: 906**

**TOTAL PAGES: 3**

**EFFECTIVE DATE:**

**APPROVAL: A. Hasan Davis , COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall utilize the Internal Investigations Branch (IIB), within the Justice and Public Safety Cabinet, to conduct administrative investigations regarding allegations of sexual abuse, sexual harassment between juveniles and staff, sexual contact, or any type of sexual offense directed toward juveniles who are in the custody, care, and supervision of DJJ.

**II. APPLICABILITY**

This policy shall apply to all DJJ staff, volunteers, interns, and contractors.

**III. DEFINITIONS**

Refer to Chapter 900.

**IV. PROCEDURES**

A. DJJ staff, volunteers, interns, contractors, juveniles, and the general public shall have direct access to the IIB hotline at all times.

1. Investigations regarding allegations of sexual abuse, sexual harassment between juveniles and staff, sexual contact, or any sexual offense shall be conducted and documented by IIB in accordance with KRS 15A.020 and 500 KAR 13:020.

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2. An investigator with IIB shall complete Prison Rape Elimination Act of 2003 (PREA) and sexual abuse investigations training prior to conducting investigations as required by 28 C.F.R. 115.334.
  3. The DJJ Ombudsman shall investigate cases of juvenile-on-juvenile sexual harassment.
  4. DJJ shall cooperate and provide support for the prosecution of all substantiated PREA cases.
  5. The Department of Public Advocacy (DPA) Post-Disposition Branch shall be notified by the Agency PREA Compliance Officer whenever law enforcement is contacted to conduct an investigation to ensure that the youth's legal rights are protected.
- B. DJJ staff, volunteers, interns, and contractors shall be responsible for being alert to signs of situations in which sexual abuse, sexual harassment, sexual contact, or any sexual offense may occur.
  - C. DJJ staff, volunteers, interns, and contractors who witness, suspect, or receive a report that a juvenile has been a victim of sexual abuse, sexual contact, or any sexual offense, while in a residential or detention facility, shall immediately report it to the IIB hotline, their direct supervisor, the facility Superintendent and the Facility PREA Coordinator. The facility Superintendent shall be responsible for notification to the Regional Facility Administrator (RFA), the Regional Director, Agency PREA Compliance Officer, the Deputy Commissioner, and the Commissioner.
  - D. DJJ staff, volunteers, interns, or contractors who have reason to suspect that a juvenile has been a victim of sexual abuse, sexual harassment, sexual contact, or any sexual offense, while on furlough from a facility or in the community, shall immediately report it to the IIB hotline, their direct supervisor, and the facility Superintendent or Director of Community and Mental Health Services, and the Facility PREA Coordinator or the Community PREA Coordinator. The facility Superintendent shall be responsible for notification to the RFA, the Regional Director, Director of Community and Mental Health Services, Agency PREA Compliance Officer, the Deputy Commissioner, and the Commissioner. The Director of Community and Mental Health Services shall be responsible for notification to the facility Superintendent, if applicable, the Regional Director, Agency PREA Compliance Officer, the Deputy Commissioner, and the Commissioner.
  - E. Juveniles shall have the right to report sexual abuse, sexual harassment, sexual contact, or any sexual offense to a staff member or the IIB hotline.
  - F. If a juvenile submits a grievance, regarding sexual abuse, sexual contact, or a sexual offense, facility staff shall immediately report the alleged details of the allegations to their direct supervisor, the facility Superintendent, the Facility PREA Coordinator, and the IIB hotline. The facility Superintendent shall be

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- responsible for notification to the RFA, the Regional Director, Agency PREA Compliance Officer, the Deputy Commissioner, and the Commissioner.
- G. DJJ staff shall not retaliate against staff or a juvenile for reporting a PREA violation. Staff who violate this policy shall be subject to disciplinary action up to and including dismissal.
  - H. An employee or a juvenile who makes a report in good faith based upon a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if the investigation does not establish evidence to substantiate the allegation.
  - I. An employee or a juvenile, who make a report which is investigated and it is established by IIB that the employee or juvenile knowingly made a false report, shall be subject to program sanctions or employee disciplinary action up to and including termination or dismissal.
  - J. All case records associated with claims of sexual abuse, sexual harassment, sexual contact, or any sexual offense, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and counseling shall be retained in accordance with the records retention schedule.
  - K. DJJ shall provide the general public with information regarding PREA and third party reporting procedures on the official DJJ website.
  - L. DJJ shall provide general information regarding PREA pursuant with the Kentucky Open Records Act.
  - M. Any PREA violation, that is criminal in nature, shall be referred to the Kentucky State Police (KSP) unless the facility is located in Lexington or Louisville, Kentucky. For those facilities, potentially criminal violations shall be referred to local law enforcement.

## **V. STAFF TRAINING**

- A. The Agency PREA Compliance Officer or designee or the PREA trainer from the Training Branch for DJJ shall train the Facility, Classification, and Community PREA Coordinators regarding this policy.
- B. The PREA Coordinators shall train all DJJ staff in their respective facility or office.

## **VI. MONITORING MECHANISM**

The Agency PREA Compliance Officer for DJJ or designee shall conduct an annual audit to verify that DJJ staff are being trained regarding the policy.